

TESTIMONY OF MAGGIE RAYMOND

ON BEHALF OF

THE GROUND FISH GROUP – ASSOCIATED FISHERIES OF MAINE

BEFORE THE

SENATE SUBCOMMITTEE ON OCEANS AND FISHERIES

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Chairwoman Snowe and members of the Subcommittee on Oceans and Fisheries, my name is Maggie Raymond. I am a member of and spokesperson for the Groundfish Group of Associated Fisheries of Maine. Associated Fisheries of Maine is a trade organization of fishing and fishing dependent businesses. The Groundfish Group is an ad-hoc committee formed to represent the interests of the Association's harvesters in fisheries policy development.

I am also the wife of a commercial fisherman. My husband, John Raymond, is a career fisherman with over 25 years experience in different fisheries in the Northwest Atlantic Ocean. Together we have managed our own successful fish harvesting business for the past 13 years.

I am pleased to be here today to offer the views of the Groundfish Group on the Magnuson-Stevens Act and, specifically, the implementation of the 1996 amendments referred to as the Sustainable Fisheries Act.

Senator Snowe, as you know, commercial fishing makes a significant contribution to Maine's economy, and our fishing families and communities define the charm and character of our state. The last several years have been difficult for our industry, but we are committed to ensuring that the industry remains a strong component of Maine's economy. It is for this reason that the members of Associated Fisheries are dedicated to revitalization of the fishery resources on which our industry depends.

With the initial passage of the Magnuson-Stevens Act, many felt that fisheries management had been put on a rational footing; that those with practical and scientific experience with the fisheries would collectively guide us and that we would regain control of our fishery resources. The cornerstone of the Magnuson-Stevens Act is the scientific principle expressed as maximum sustainable yield and it is this principle which has served as the foundation for all fisheries management decisions for nearly a quarter century.

But if this central tenant of fisheries management, this principle of maximum sustainable yield, is valid, then why does it appear we have made so few gains in the status of our fisheries resources? Fisheries management as prescribed under the Act has not been successful; that is clear and there are few that would dispute that statement. But many have cast about looking for some human failure, placing blame on fishermen and the men and women who serve on management councils. While I readily admit that human errors, including my own, have played a role, in my view, the most significant cause for fishery management failures is the hubris which led us to believe that we can render the complexities of Mother Nature to a two dimensional equation. The principle of maximum sustainable yield in fisheries management is seriously flawed and has been repudiated by many in the scientific community as not accurately depicting conditions as they exist in the fisheries. Nevertheless, this principle remains the fundamental component of U.S. fisheries management, and despite scientific evidence against MSY, the SFA has reaffirmed its use, and the National Marine Fisheries Service guidelines have elevated its use to the dominant factor in decision making.

Senator Snowe, although there are many issues attendant to the Magnuson-Stevens Act that your subcommittee will be considering – and I do hope you will allow us a future opportunity to speak to those - there are few as significant as the questions related to the validity of MSY as a management tool, the scientific information used to support MSY-based decision-making, and the impact of MSY-based decision-making upon the fishing community.

Senator, I am not a scientist and I won't pretend to fully understand the science of fishery management.

Maximum sustainable yield in a fishery, as I understand it, is based upon an assumption that a stock of fish exists in equilibrium. Simply put, it assumes that if the number of fish in a stock changes as a result of environmental conditions or fishing, for example, that the growth of the stock will automatically adjust to compensate for that change. Over the short run, this is perhaps so. But over the long run, the time frame within which our fisheries are managed, this assumption has proven to be wrong. MSY assumes away the complexities of the environment and even the actions of fishermen and treats them as simple events. Intuitively we know, and many in the scientific community have confirmed, that the complexities of the environment and of human decision making can not be rendered unidimensional – they can not be assumed away as they are under MSY. It is for this reason that so many have rejected MSY as a scientific principle.

Unfortunately, this fundamental flaw in Magnuson-Stevens has been exacerbated by the SFA. The SFA mandates the achievement of MSY by defining overfishing as a relative mortality level that jeopardizes the capacity of the fishery to produce MSY. Furthermore, the SFA redefines optimum yield to mean that which provides for a rebuilding of an overfished fishery to levels consistent with production of MSY. With all due respect, given the flaws inherent in the MSY principle, these changes amount to pretzel logic and that has fisheries managers tied in a knot.

In response to the SFA, NMFS published regulations referred to as guidelines to assist the management councils in meeting their new obligations. In its summary, its response to public comment, and its guidelines, NMFS has pledged itself to the MSY principle. In response to criticism of its use of MSY, NMFS responds; “MSY is the key to the Magnuson-Stevens Act, even more so than under the former Magnuson Act. MSY now constitutes an upper limit on OY ... NMFS believes that the lack of flexibility imposed by ascribing such a fundamental role to

MSY was clearly an intent of Congress.”

NMFS also cites Congress’ willingness to delete the modifying words “long term” when referring to the capacity of a stock to produce MSY and concludes “(u)nless MSY is established as a strict goal, the greatly enhanced benefits anticipated by enactment of the SFA cannot be achieved.”

Unfortunately, the only flexibility the Council’s had in addressing the flaws inherent in MSY was in setting the optimum yield over the long term, flexibility which was removed by the Gilchrist amendment which states specifically that OY can no longer exceed MSY.

The flaws of MSY-based management become more apparent when one considers the basis of the scientific information used to support the fisheries management process. Although perhaps a trite comment or an imperfect analogy, it is valid nonetheless to point out that one cannot measure the size of a stock of fish as one would count head of cattle. The marine environment can be hostile and it is remote. Of necessity, fishery stock assessments are statistically driven, sample sizes are typically low, and decisions are based on the probability that the statistics are right. What this means is that the best science available can in reality be nothing more than an educated guess and perhaps more often than not derived by seat-of-the-pants methods.

NMFS recognizes that “...the difficulty of estimating MSY is a significant problem that will require the best efforts of NMFS and the Council to solve.” Because MSY is central to SFA management and is admittedly imprecise, the consequence of this imprecision is damaging to the fishing community. This is particularly so because NMFS advocates the risk adverse approach as highly desirable for estimation of MSY and the criteria used to set catch targets. Despite the very great potential for inaccurate stock assessments and the agency’s claim that “(a)llowing for the uncertainty inherent in the estimate of MSY is important...” it is my view that neither the SFA nor the agency will allow the flexibility necessary to free Councils to consider social and economic factors when confidence intervals around MSY and OY estimates are low.

This brings me to the most important point I wish to make today, that being the SFA and NMFS guidelines, despite the addition of National Standard 8, simply do not allow management decisions to consider the social and economic needs of fishing communities. The changes made to the definition of optimum yield have reduced economic impacts on fishing communities from a relevant factor, which could be used to justify an optimum yield, to a subordinate concern. The NMFS guidelines allow consideration of the needs of fishing communities *only* as a means of adjusting the rebuilding period and *only* when that rebuilding period is less than ten years. We are very concerned that, unless the balance is restored, it will be impossible to maintain our traditional dependence upon the fisheries.

Senator Snowe, you asked me today to speak specifically to the current situation with cod in New England. The current status of Georges Bank cod along with the most the recent management recommendations for that stock provides a good example of the need for flexibility within the law to allow the balancing of measurable progress in the resource with the needs of fishing communities.

Five years ago, the New England council took the unprecedented step of closing year-round the known spawning areas on Georges Bank. This simple principle of providing complete protection to aggregations of spawning and juvenile fish has resulted in a five-year closure of over 6,000 square miles of world-renowned fishing grounds. As a regrettable consequence, many harvesters and processors, including many from Maine, who were dependent on the catch from those areas, are now out of business. This action also, predictably, resulted in great leaps forward in the rebuilding status of Georges Bank cod, haddock, and yellowtail. Fishing effort is down, the GB cod stock is rebuilding, and the target total allowable catch has increased every year. But because annual landings have outpaced the target, additional restrictions on fishing effort are mandated. Despite obvious progress, and the magnitude of that progress, the principle of MSY simply does not allow for recognition of that achievement.

On the other hand, when it came to Gulf of Maine cod, the council simply could not bring itself to ignore the severe economic impacts on fishing communities that would result from the restrictions recommended to meet the rebuilding schedule. So instead, the council recommended, and NMFS

approved, measures both knew to be inadequate, and to compensate

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included a default mechanism – a lowered trip limit -intended to keep landings within the numbers allowed. The conservation goals were achieved on paper, but landings have been converted to discards and both the fish and the fishermen must suffer.

As I said at the outset, we are committed to sustainable fisheries and we have willingly made many sacrifices. We have overcome many obstacles, and have always found strength through faith in our abilities and our community. But the events of the past few years and, especially, the potential impacts of the Sustainable Fisheries Act have shaken that faith and raised concerns that our community may be changed forever.

Senator Snowe, I urge you to seriously consider the issues I have raised here today and implore you to seek the counsel of those with the necessary expertise to guide you in that task.

